

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 2 and 4-8, respectively. These sheets replace the original sheets including Figs. 2 and 4-8.

Attachment: Replacement Sheet.

### REMARKS

In response to the Office Action dated April 6, 2004, Applicants respectfully request reconsideration based on the above amendments and following remarks.

Applicants respectfully submit that the claims are in condition for allowance.

Claims 1-5, 7-11 and 21 are pending in the application. Claim 21 has been allowed, and claims 1-5 and 7-11 have been rejected.

#### ***Drawing Objections***

The drawings were objected to because they contain handwritten drawings and labels. Figs. 2 and 4-8 have been amended in reply to the objections.

Withdrawal of the objection is respectfully requested.

#### ***Claim Rejections under 35 USC 103***

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Application Publication 2002/0141720 to Halgren et al. (hereinafter "Halgren") in view of US Patent 6,504,963 to Fang et al. (hereinafter "Fang").

The Examiner states that although Halgren fails to reasonably suggest the feature "an input is for maintenance purposes and is associated with a maintenance wavelength different than the defined wavelengths used in the event of a failure of one of the defined wavelengths" of claim 1, Col. 7, lines 28-33 of Fang teaches backup regenerators providing an output at any specified wavelength. Applicants respectfully traverse.

Claim 1 recites "where one of the inputs is for maintenance purposes and is associated with a maintenance wavelength different than the defined wavelengths used in the event of a failure of one of the defined wavelengths."

On the contrary, Fang is directed to an optical fiber protection switch (OPSW) capable of negating a need for SONET ADMS in a WDM environment, rather than the DWDM apparatus itself. Particularly, Fang teaches how to use an optical line termination equipment consisting of the OPSW and optical channel managers (OCM) in a WDM network (See. Col. 6, lines 27-30 and 60-63 of Fang), but does not teach a WDM apparatus in which one of the inputs is for maintenance purposes and is associated with a

maintenance wavelength different than the defined wavelengths used in the event of a failure of one of the defined wavelengths. Fang teaches the use of regenerators that receive signals over a broad spectrum and regenerate it at a desired wavelength. This shifts a given wavelength to a desired wavelength. The portion of Fang cited by the Examiner is directed to backup regenerators used if a regenerator fails. Fang teaches that the output wavelength of the backup generator is preferably the same wavelength as the failed generator unit.

Applicants submit that any combination of Halgren and Fang would not result in the apparatus of claim 1. If Fang is combined with Halgren, the result would be the use of regenerators in the Halgren system downstream from the DWDM transceiver at an add/drop location. This does not correspond to a maintenance input on a DWDM device as recited in claim 1. Furthermore, claim 1 specifically recites a "maintenance wavelength different than the defined wavelengths used in the event of a failure of one of the defined wavelengths." In Fang, the backup regenerator uses the same wavelength as the failed regenerator. This is completely contrary to claim 1.

Thus, the combination of Halgren and Fang, does not render obvious claim 1. Claims 2-5 depend from claim 1, thus are believed to be allowable due to their dependency on claim 1.

Claims 7-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Halgren in view of Fang, and further in view of common practice in the art.

Claim 7 includes features similar to those discussed above with reference to claim 1 and is believed to be patentable over the combination of Halgren and Fang for at least the reasons advanced with respect to claim 1. Thus, the combination of Halgren, Fang and the common practice in the art neither teaches nor suggests all the features of claim 7. Claims 8-11 depend from claim 7, thus are believed to be allowable due to their dependency on claim 7.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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